COURT FEE भारत INDIA दस रुपये TEN RUPEES CANCELLED COURT FEE INDIA पाँच रुपये FIVE RUPEES

(63)

IN THE HIGH COURT OF JUDICATURE OF (C.G.) AT BILASPUR (C.G.)

Single Bench

Civil Revision No. 103 /2004

Petitioner/Plaintiff :- Ganesh Shankar S/o Gariba ram Deewan
Age about 46 years, R/o Village- Khundnee
Tahsil- Guroor, Distt. Durg (C.G.)

VERSUS

Respondents/Defendants :-

1. Garibaram S/o Late Jailal Deewan, age about 80 years,
2. Sajjan Lal Deewan S/o Garibaram, age about 52 years,
3. Jeevan lal deewan S/o Garibaram, age about 42 years,
4. Deveshchand deewan S/o Garibaram, age about 40 years,
5. Muktiram S/o Dashrooram, age about 41 years,
   All resident of - Village - Khundnee Tah. Guroor, Distt. Durg (C.G.)
6. Smt. Purnima bai W/o Shri Banshil lal, R/o Shri Ram nagar Kanker, Tah. & Distt. Durg (C.G.)
7. State of Chhattisgarh
   Through- Collector, Durg (C.G.)

P. R. No. 1352/04 Presented by Shri B. Singh & Chandrakar on dated 15-5-04

RECEIVED COPY 15/5/04 Clerk to A. G. Bilaspur

Civil Revision under Sec. 115 of Civil Procedure Code

Against.

(a) Order dt. 23/03/2004
(b) In case No. Civil Appeal No. 13/2003
(c) Passed by Shri P. N. Tanbhurkar, A. D. J. Balod

NOTARY - नोटरी B. K. CHANDEL NOTARY DURG (C.G.) R.No. C.G.96/17 Dt. 22-5-03 GOVT. OF INDIA

Being aggrieved by the above order, the petitioner/plaintiff respectfully begs to prefer this revision on the following facts and grounds amongest other grounds :-

1. Facts of the Case

1. That, the petitioner/plaintiff had filed a civil appeal bearing no. 13/2003 on 28/04/2003 with application for condonation of delay under sec. 5 of limitation act against all respondents/defendants. The Learned A. D. J. passed the impunged order dated 13/01/2003, that appeal has been filed after limitation therefore application under section 5 of limitation act be quashed. That void order dt. 23/03/2004 is Annexure - A/1 , which is challenged heare.

cont. 2

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(21)

आदेश पत्रक

मामला क्रमांक ..... C. Rev. No. 103/04 ..... **सन्** 200

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	25/02/2005 None for the applicant. Shri M.P.S.Bhatia, P.L. for the State. Heard. On the earlier dates i.e. on 01/10/2004 and 04/11/2004 also, none appeared for the applicant. The instant revision petition has been filed against the impugned order dated 23/03/2004 and by which the appeal of the applicant has been dismissed by the first Appellate Court as the same was preferred after the limitation prescribed under the law and the application under Section 5 of the Limitation Act for condonation of delay in filing the appeal was rejected and in consequence, the appeal was also rejected. Learned counsel for the State submits that in view of the judgment passed in ***A.I.R 2005 Supreme Court 226 Shyam Sunder Sarma Vs. Pannalal Jaiswal and Others*** wherein the appeal was dismissed on the ground of limitation which is an order under the First Appeal and against such order Second Appeal lies and the revision is not maintainable. In view of the judgment of the Apex Court, the instant revision is dismissed as not maintainable. Sd/- DHIRENDRA MISHRA Judge	

(पीछे देखिये)